

**DECEMBER 15, 2009 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 3**

ITEM # 3

PURPOSE

To consider amending the stipulations for Kolter Land Partners regarding Z-33 (DAVID PEARSON) of March 16, 2004, for property located in Land Lot 55 of the 16th District on the north side of Jamerson Road, east of Willow Creek Drive.

BACKGROUND

The subject property is zoned R-15 subject to numerous conditions/stipulations which are attached. This request seeks to amend two of the conditions within the letter of stipulations from Mr. David Pearson dated March 5, 2004. The first request seeks to reduce the minimum square footage of each house from 3,000 square feet to 2,500 square feet. The second request seeks removal of the average home price to be no less than \$450,000.00. A copy of the approved site plan is attached for your review. The Other Business application is also attached.

FUNDING

N/A

RECOMMENDATION

The Board of Commissioners first determine if the request is minor. If it is determined to be minor, consider the request to amend the stipulations. If approved all other previously approved conditions/stipulations should remain in effect.

ATTACHMENTS

Board of Commissioners Decision
Site Plan
Other Business Application

ORIGINAL DATE OF APPLICATION: 03-16-04APPLICANTS NAME: DAVID PEARSONTHE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS**BOC DECISION OF 03-16-04 ZONING HEARING:**

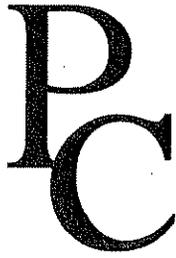
DAVID PEARSON (Sanford S. and Hilda L. Wyrick, owners) for Rezoning from **R-30** to **R-15** for the purpose of a Subdivision in Land Lot 55 of the 16th District. Located on the north side of Jamerson Road, east of Willow Creek Drive.

The public hearing was opened and Mr. David Pearson, Mr. Ron Spier, Ms. Linda Hoyal and Ms. Donna Randall addressed the Board. Following presentations and discussion, the following motion was made:

MOTION: Motion by Lee, second by W. Thompson, to **approve** rezoning to the **R-15** zoning district **subject to:**

- maximum 21 lots
- site plan to be approved by the District Commissioner
- letter from Mr. David Pearson dated March 5, 2004 *not otherwise in conflict* (copy attached and made a part of these minutes)
- contemporaneous variances as follows:
 - reduced front setbacks from 35 feet to 20 feet, with the rear setbacks increased by an amount equal to the front setback reduction
 - reduced side setbacks from 10 feet to 5 feet (with 15 feet between houses)
 - reduced major side setback from 25 feet to 10 feet
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- Cobb DOT comments and recommendations

VOTE: **ADOPTED** unanimously

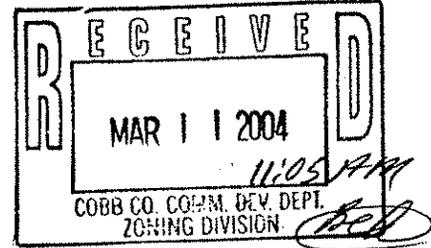


PEARSON COMMUNITIES, INC.

1955 First Drive • Marietta, GA 30062 • 770.321.5032 • 770.321.4528

March 5, 2004

Cobb County Planning and Zoning
Mr. John Pederson
191 Lawrence Street
Suite #300
Marietta, GA 30060



RE: Z33 Approximately 11.39 Acres Jamerson Road

Min. Blk. 27 Petition No. Z-33
Doc. Type letter dated
March 5, 2004
Meeting Date 3/11/2004

Dear Mr. Pederson,

The applicant (David Pearson) stipulates the following:

- 1) The minimum square footage of each house will be at least 3000 feet.
- 2) The average home price to be no less than \$450,000.00
- 3) The applicant agrees to meet the current (in place) Cobb County DOT ordinances and regulations during the construction plan process.
- 4) The applicant agrees to meet the current (in place) Storm Water Management ordinances and regulations during the construction plan process. Applicant Does not agree to Storm Water Management's overly broad comments at time of zoning.
- 5) The applicant agrees to meet the current (in place) Cobb County Water ordinances and regulations during the construction plan process.
- 6) The applicant request that front yard set-back requirements be reduced to 20 feet; side yard set-back to 5 feet with a minimum of 15 feet between houses and a major side-set backs to 10 feet.

Applicant:
David Pearson

Application for "Other Business" Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2045)

BOC Hearing Date Requested: 12-15-09

Applicant: Kolter Land Partners Phone #: 770/480-4940
(applicant's name printed)

Address: 8875 Hidden River Parkway, Suite 150, Tampa, FL 33637 E-Mail: scheck@kolter.com

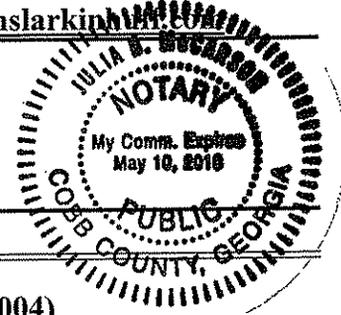
SAMS, LARKIN & HUFF, LLP 376 Powder Springs Street, Suite 100
Garvis L. Sams, Jr. Address: Marietta, GA 30064

(representative's name, printed)

By: [Signature] Phone #: 770/422-7016 E-Mail: gsams@samslarkin.com
Garvis L. Sams, Jr., Attorney for Applicant

Signed, sealed and delivered in presence of:

Julia B. McCarson My commission expires: _____
Notary Public



Commission District: Tim Lee (3) **Zoning Case:** No. Z-33 (2004)

Date of Zoning Decision: 3/16/04 **Original Date of Hearing:** 3/16/04

Location: North side of Jamerson Road, east of Willow Creek Drive (1663 Jamerson Road)
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 55 **District(s):** 16th

State specifically the need or reason(s) for Other Business: _____

To amend a previously approved rezoning by reducing the minimum square footage of each house from 3,000 square feet to 2,500 square feet and by deleting the stipulation which requires the average home price to be no less than \$450,000.

(List or attach additional information if needed)